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**STATE OF IOWA**

# **Senate Journal**

**TUESDAY, MARCH 28, 2017**

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# JOURNAL OF THE SENATE

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SEVENTY-NINTH CALENDAR DAY  
FIFTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 28, 2017

The Senate met in regular session at 9:03 a.m., President Whitver presiding.

Prayer was offered by Pastor Wesley Key of the Grinnell Church of Christ in Grinnell, Iowa. He was the guest of Senator Kapucian.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Devyn Leeson.

## CORRECTION TO THE JOURNAL

President Whitver announced that on page 772 of the Senate Journal the record roll call vote on amendment [S-3173](#) to [House File 518](#) should have read:

Yeas, 24:

Allen	Breitbach	Horn	Mathis
Anderson	Danielson	Jochum	McCoy
Bisignano	Dotzler	Johnson, D.	Petersen
Bolkcom	Dvorsky	Kapucian	Quirmbach
Boulton	Hart	Kinney	Ragan
Bowman	Hogg	Lykam	Taylor

Nays, 26:

Behn	Dix	Kraayenbrink	Sinclair
Bertrand	Edler	Lofgren	Smith
Brown	Feenstra	Rozenboom	Whitver
Chapman	Garrett	Schneider	Zaun
Chelgren	Greene	Schultz	Zumbach
Costello	Guth	Segebart	
Dawson	Johnson, C.	Shipley	

Absent, none.

Amendment [S-3173](#) lost.

The correct version will appear in the hardbound and internet versions.

The Journal of Monday, March 27, 2017, was approved.

#### INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Major General Timothy Orr, the Governor's appointee to be the State of Iowa Adjutant General. He was the guest of Senator Dawson and the committee on Veterans Affairs.

The Senate stood at ease at 9:14 a.m. until the fall of the gavel.

The Senate resumed session at 10:19 a.m., President Whitver presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rozenboom, until he arrives, on request of Senator Dix.

#### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Dix asked and received unanimous consent to take up for consideration [Senate File 493](#).

#### [Senate File 493](#)

On motion of Senator Feenstra, [Senate File 493](#), a bill for an act relating to the authority of combined benefited recreational lake and water quality districts when issuing bonds, was taken up for consideration.

Senator Feenstra moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 493](#)), the vote was:

Yeas, 49:

Allen	Danielson	Jochum	Schneider
Anderson	Dawson	Johnson, C.	Schultz
Behn	Dix	Johnson, D.	Segebart
Bertrand	Dotzler	Kapucian	Shiple
Bisignano	Dvorsky	Kinney	Sinclair
Bolkcom	Edler	Kraayenbrink	Smith
Boulton	Feenstra	Lofgren	Taylor
Bowman	Garrett	Lykam	Whitver
Breitbach	Greene	Mathis	Zaun
Brown	Guth	McCoy	Zumbach
Chapman	Hart	Petersen	
Chelgren	Hogg	Quirmbach	
Costello	Horn	Ragan	

Nays, none.

Absent, 1:

Rozenboom

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration [Senate File 408](#).

#### [Senate File 408](#)

On motion of Senator Zumbach, [Senate File 408](#), a bill for an act requiring licensure rather than registration of architects practicing in this state, with report of committee on State Government recommending passage, was taken up for consideration.

Senator Zumbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 408](#)), the vote was:

Yeas, 49:

Allen	Danielson	Jochum	Schneider
Anderson	Dawson	Johnson, C.	Schultz
Behn	Dix	Johnson, D.	Segebart
Bertrand	Dotzler	Kapucian	Shipley
Bisignano	Dvorsky	Kinney	Sinclair
Bolkcom	Edler	Kraayenbrink	Smith
Boulton	Feenstra	Lofgren	Taylor
Bowman	Garrett	Lykam	Whitver
Breitbach	Greene	Mathis	Zaun
Brown	Guth	McCoy	Zumbach
Chapman	Hart	Petersen	
Chelgren	Hogg	Quirmbach	
Costello	Horn	Ragan	

Nays, none.

Absent, 1:

Rozenboom

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that **Senate Files 408** and **493** be **immediately messaged** to the House.

The Senate stood at ease at 10:32 a.m. until the fall of the gavel.

The Senate resumed session at 10:40 a.m., President Whitver presiding.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration [Senate File 446](#).

### Senate File 446

On motion of Senator Schneider, [Senate File 446](#), a bill for an act relating to asset forfeiture by prohibiting civil asset forfeiture for property valued at less than a minimum amount, raising the standard of proof for asset forfeiture, prohibiting the transfer of certain seized property to the federal government for forfeiture, requiring a proportionality review for property to be forfeited, and requiring law enforcement agencies to retain certain records related to asset forfeiture and including applicability provisions, was taken up for consideration.

Senator Schneider offered amendment [S-3261](#), filed by him from the floor to pages 1–7 and amending the title page of the bill, and moved its adoption.

Amendment [S-3261](#) was adopted by a voice vote.

Senator Schneider moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 446](#)), the vote was:

Yeas, 49:

Allen	Danielson	Jochum	Schneider
Anderson	Dawson	Johnson, C.	Schultz
Behn	Dix	Johnson, D.	Segebart
Bertrand	Dotzler	Kapucian	Shipley
Bisignano	Dvorsky	Kinney	Sinclair
Bolkcom	Edler	Kraayenbrink	Smith
Boulton	Feenstra	Lofgren	Taylor
Bowman	Garrett	Lykam	Whitver
Breitbach	Greene	Mathis	Zaun
Brown	Guth	McCoy	Zumbach
Chapman	Hart	Petersen	
Chelgren	Hogg	Quirmbach	
Costello	Horn	Ragan	

Nays, none.

Absent, 1:

Rozenboom

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that [Senate File 446](#) be **immediately messaged** to the House.

#### RECESS

On motion of Senator Dix, the Senate recessed at 10:49 a.m. until the completion of a meeting of the committee on Judiciary.

#### RECONVENED

The Senate reconvened at 1:56 p.m., President Whitver presiding.

#### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 28, 2017, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 448](#), a bill for an act relating to insurers in possession of salvage motor vehicles.

ALSO: That the House has on March 28, 2017, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 473](#), a bill for an act relating to high school equivalency programs and assessments and including effective date provisions.

Read first time and attached to **similar** [Senate File 350](#).

[House File 532](#), a bill for an act relating to prescribing practitioner registration with the drug prescribing and dispensing information program.

Read first time and referred to committee on **Human Resources**.

[House File 569](#), a bill for an act concerning authorized investment vehicles in a tax-sheltered investment program established by the department of administrative services.

Read first time and attached to **similar** [Senate File 463](#).

The Senate stood at ease at 1:57 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 2:10 p.m., President Whitver presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Behn, until he returns, on request of Senator Dix.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration [Senate File 360](#).

#### [Senate File 360](#)

On motion of Senator Chapman, [Senate File 360](#), a bill for an act relating to the newborn safe haven Act, was taken up for consideration.

Senator Chapman offered amendment [S-3260](#), filed by him on March 27, 2017, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Sinclair offered amendment [S-3262](#), filed by her from the floor to page 4 of amendment [S-3260](#).

Senator Hogg raised the point of order that amendment [S-3262](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3262](#) out of order.

Senator Chapman moved the adoption of amendment [S-3260](#).

Amendment [S-3260](#) was adopted by a voice vote.

With the adoption of amendment [S-3260](#), the Chair ruled amendment [S-3254](#), filed by Senator Bisignano on March 27, 2017, to page 1 of the bill, out of order.

Senator Chapman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 360](#)), the vote was:

Yeas, 48:

Allen	Danielson	Horn	Quirmbach
Anderson	Dawson	Jochum	Ragan
Bertrand	Dix	Johnson, C.	Schneider
Bisignano	Dotzler	Johnson, D.	Schultz
Bolkcom	Dvorsky	Kapucian	Segebart
Boulton	Edler	Kinney	Shipley
Bowman	Feenstra	Kraayenbrink	Sinclair
Breitbach	Garrett	Lofgren	Smith
Brown	Greene	Lykam	Taylor
Chapman	Guth	Mathis	Whitver
Chelgren	Hart	McCoy	Zaun
Costello	Hogg	Petersen	Zumbach

Nays, none.

Absent, 2:

Behn	Rozenboom
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that [Senate File 360](#) be **immediately messaged** to the House.

## ADJOURNMENT

On motion of Senator Dix, the Senate adjourned at 2:36 p.m. until 9:00 a.m., Wednesday, March 29, 2017.

## APPENDIX

## COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

## DEPARTMENT OF INSPECTIONS AND APPEALS

Iowa Child Advocacy Board Annual Report, pursuant to Iowa Code section 237.18. Report received on March 28, 2017.

## DEPARTMENT OF PUBLIC HEALTH

Gambling Treatment Program Report, pursuant to Iowa Code section 135.150. Report received on March 28, 2017.

## CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jacob Hummel of Dowling Catholic High School—For winning the Class 4A State Football Championship. Senator Zaun.

Jack Koerner of Dowling Catholic High School—For winning the Class 4A State Football Championship. Senator Zaun.

Ryan Mells of Dowling Catholic High School—For winning the Class 4A State Football Championship. Senator Zaun.

Peter Nank of Dowling Catholic High School—For winning the Class 4A State Football Championship. Senator Zaun.

Tom Wilson of Dowling Catholic High School—For winning the Class 4A State Football Championship. Senator Zaun.

## REPORTS OF COMMITTEE MEETINGS

### JUDICIARY

**Convened:** Tuesday, March 28, 2017, 1:00 p.m.

**Members Present:** Zaun, Chair; Dawson, Vice Chair; Taylor, Ranking Member; Bisignano, Boulton, Edler, Garrett, Kinney, Petersen, Schneider, Schultz, Shipley, and Sinclair.

**Members Absent:** None.

**Committee Business:** Approved HF's 69, 184, 523, and 581. Governor's appointees.

**Adjourned:** 1:50 p.m.

### STATE GOVERNMENT

**Convened:** Tuesday, March 28, 2017, 11:10 a.m.

**Members Present:** Smith, Chair; Chapman, Vice Chair; Bisignano, Ranking Member; Anderson, Bowman, Brown, Danielson, Dawson, Feenstra, Horn, Jochum, Petersen, Schneider, Schultz, and Zaun.

**Members Absent:** None.

**Committee Business:** Approved HF's 471 and 568. Governor's appointees.

**Adjourned:** 11:40 a.m.

### VETERANS AFFAIRS

**Convened:** Tuesday, March 28, 2017, 3:05 p.m.

**Members Present:** Costello, Chair; Horn, Ranking Member; Allen, Bowman, Dawson, Edler, Lofgren, Ragan, and Segebart.

**Members Absent:** Rozenboom, Vice Chair; and Bertrand (both excused).

**Committee Business:** Approved [HF 584](#). Hearing for Major General Timothy Orr as the Adjutant General of the Iowa National Guard.

**Adjourned:** 3:35 p.m.

## STUDY BILL RECEIVED

**SSB 1187 Ways and Means**

Concerning county funding of mental health and disability services and the mental health and disability services property tax levy, and including effective date and applicability provisions.

## SUBCOMMITTEE ASSIGNMENTS

[Senate File 494](#)

STATE GOVERNMENT: Smith, Chair; Bisignano and Chapman

[House File 161](#)

JUDICIARY: Sinclair, Chair; Kinney and Zaun

[House File 526](#)

JUDICIARY: Garrett, Chair; Edler and Petersen

[House File 528](#)

LOCAL GOVERNMENT: Garrett, Chair; Guth and McCoy

[House File 541](#)

STATE GOVERNMENT: Schultz, Chair; Danielson and Smith

[House File 566](#)

STATE GOVERNMENT: Brown, Chair; Chapman and Danielson

[House File 571](#)

STATE GOVERNMENT: Dawson, Chair; Bisignano and Chapman

[House File 601](#)

STATE GOVERNMENT: Chapman, Chair; Dawson and Petersen

[SSB 1187](#)

WAYS AND MEANS: Feenstra, Chair; Bolkcom and Dawson

## FINAL COMMITTEE REPORTS OF BILL ACTION

## COMMERCE

**Bill Title:** [HOUSE FILE 309](#), a bill for an act relating to certificates of insurance, including penalties and effective date and applicability provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Anderson, Breitbach, Petersen, Allen, Bertrand, Boulton, Feenstra, Guth, C. Johnson, Lykam, Mathis, Sinclair, Zaun, and Zumbach. Nays, none. Absent, 1: McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## ALSO:

**Bill Title:** [HOUSE FILE 586](#), a bill for an act relating to financial matters, including mechanic's liens, and the Iowa finance authority by establishing a rent subsidy program, modifying shelter assistance fund grant award requirements, and revising filing requirements for certain bonds and notes issued by the authority.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Anderson, Breitbach, Petersen, Allen, Bertrand, Boulton, Feenstra, Guth, C. Johnson, Lykam, Mathis, Sinclair, Zaun, and Zumbach. Nays, none. Absent, 1: McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## JUDICIARY

**Bill Title:** [HOUSE FILE 69](#), a bill for an act modifying penalties for trespassing.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Zaun, Dawson, Edler, Garrett, Schneider, Schultz, Shipley, and Sinclair. Nays, 5: Taylor, Bisignano, Boulton, Kinney, and Petersen. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## ALSO:

**Bill Title:** [HOUSE FILE 184](#), a bill for an act relating to information required to be contained in petitions for administration of small estates and including applicability provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Zaun, Dawson, Taylor, Bisignano, Boulton, Edler, Garrett, Kinney, Petersen, Schneider, Schultz, Shipley, and Sinclair. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 523](#), a bill for an act providing medical examiners access to information in the drug prescribing and dispensing information program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Zaun, Dawson, Taylor, Bisignano, Boulton, Edler, Garrett, Kinney, Petersen, Schneider, Schultz, Shipley, and Sinclair. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 581](#), a bill for an act relating to the confidentiality of search warrant information in a criminal case resulting in an acquittal or a dismissal.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3263](#).

**Final Vote:** Ayes, 13: Zaun, Dawson, Taylor, Bisignano, Boulton, Edler, Garrett, Kinney, Petersen, Schneider, Schultz, Shipley, and Sinclair. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## STATE GOVERNMENT

**Bill Title:** [HOUSE FILE 471](#), a bill for an act relating to election precinct boundaries and consolidations.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Smith, Chapman, Bisignano, Anderson, Bowman, Brown, Danielson, Dawson, Feenstra, Horn, Jochum, Petersen, Schneider, Schultz, and Zaun. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 568](#), a bill for an act relating to pari-mutuel wagering, including horse and dog racing medication requirements and the applicability of certain setoff procedures to advance deposit wagering operators and including effective date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Smith, Chapman, Bisignano, Anderson, Bowman, Brown, Danielson, Dawson, Feenstra, Horn, Jochum, Petersen, Schneider, Schultz, and Zaun. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### VETERANS AFFAIRS

**Bill Title:** [HOUSE FILE 584](#), a bill for an act concerning the duties of the department of veterans affairs relative to veteran exposure to Agent Orange.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Costello, Horn, Allen, Bowman, Dawson, Edler, Lofgren, Ragan, and Segebart. Nays, none. Absent, 2: Rozenboom and Bertrand.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

#### COMMERCE

Janet Pepper – Credit Union Review Board

Ashley Aust – Iowa Finance Authority

Michel Nelson – Iowa Finance Authority

Ruth Randleman – Iowa Finance Authority

Timothy Lapointe – Iowa Telecommunications and Technology Commission

Charles Winkleblack – Title Guaranty Division Board

#### JUDICIARY

Lauren Haugh – Iowa State Civil Rights Commission

Douglas Oelschlaeger – Iowa State Civil Rights Commission

Marcelena Ordaz – Iowa State Civil Rights Commission

Richard LaMere, Jr. – Board of Corrections

Rebecca Williams – Board of Corrections

Tiffany Allison – Criminal and Juvenile Justice Planning Advisory Council

Jennifer Miller – Iowa Drug Policy Advisory Council

Steve Lukan – Drug Policy Coordinator

Kevin Pals – Iowa Law Enforcement Academy Council  
Melinda Ruopp – Iowa Law Enforcement Academy Council  
Megan Weiss – Iowa Law Enforcement Academy Council

Jackie Romp – Board of Parole – Alternate

#### **STATE GOVERNMENT**

Shelley Laracuente – Accountancy Examining Board  
Aaron Olson – Accountancy Examining Board  
S James Smith – Accountancy Examining Board

Tandi Brannaman – Architectural Examining Board

Paul Herold – Engineering and Land Surveying Examining Board

Jonathan Roos – Iowa Ethics and Campaign Disclosure Board  
Mary Rueter – Iowa Ethics and Campaign Disclosure Board

Dr. Joe Coulter – Commission of Native American Affairs  
Crystal Davis – Commission of Native American Affairs  
Karen Mackey – Commission of Native American Affairs

Kierstyn Borg Mickelson – Board of Nursing  
B. J. Hoffman – Board of Nursing  
Patrick Mooney – Board of Nursing

Daniel Boor – Board of Nursing Home Administrators  
Michael Jenison – Board of Nursing Home Administrators

Dr. Scott Ihrke – Board of Optometry  
Dr. Michael Portz – Board of Optometry  
Jacqueline Pullen – Board of Optometry

LaDonna Gratias – Board of Pharmacy

John Bennett – Board of Podiatry  
Gerald Edgar – Board of Podiatry  
Rebecca Kmett – Board of Podiatry  
Dr. Eugene Nassif – Board of Podiatry

#### **GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

#### **COMMERCE**

Ron Hansen – Superintendent of Banking

David Greenspon – Iowa Finance Authority

Doug Ommen – Commissioner of Insurance

Richard Lozier – Utilities Board

#### JUDICIARY

Tom Conley – Iowa State Civil Rights Commission

#### STATE GOVERNMENT

Terry Rich – Chief Executive Officer of the Iowa Lottery Authority

#### EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Tuesday, March 28, 2017, when the vote was taken on [Senate File 360](#). Had I been present, I would have voted AYE.

JERRY BEHN

#### BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 28th day of March, 2017.

[Senate File 447](#).

W. CHARLES SMITHSON  
Secretary of the Senate

#### AMENDMENTS FILED

<a href="#">S-3261</a>	<a href="#">S.F. 446</a>	Charles Schneider
<a href="#">S-3262</a>	<a href="#">S.F. 360</a>	Amy Sinclair
<a href="#">S-3263</a>	<a href="#">H.F. 581</a>	Judiciary